

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**TAMMIE COMBS,**  
**Plaintiff,**

**v.**

**LUITPOLD PHARMACEUTICALS, INC.,**  
**et al.,**  
**Defendants.**

**CIVIL ACTION**

**NO. 19-3888**

**ORDER**

**AND NOW**, this 6th day of August, 2020, upon consideration of Defendants American Regent, Inc., Daiichi Sankyo, Inc., and Daiichi Sankyo US Holdings, Inc.'s Motion to Dismiss and briefing in support thereof (ECF Nos. 16 & 22), and Plaintiff's response thereto (ECF No. 19), **IT IS HEREBY ORDERED** as follows:

1. Defendants' Motions to Dismiss Count II (negligent design defect) and Count III (strict liability defective design) are **GRANTED**. Counts II and III are **DISMISSED WITH PREJUDICE**.
2. Defendants' Motions to Dismiss Count I (negligent failure-to-test) and Count IV (gross negligence) are **DENIED**.

**BY THE COURT:**

/s/Wendy Beetlestone, J.

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**WENDY BEETLESTONE, J.**